

# CALFRESH (CF) PROGRAM

## REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 3/28/16	NEED RESPONSE BY: 4/1/16
2. REQUESTOR NAME: Douglas Lee, ALJ II (Regional Specialist)	6. COUNTY/ORGANIZATION: San Diego	
3. PHONE NO.: 760-510-4999; 858-740-6605	7. SUBJECT: DACA and CalFresh Noneligibility	
4. REGULATION CITE(S):	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) <b>NOTE: All requests must have a regulation cite(s) and/or a reference(s).</b>  Title 7 CFR 273.4, MPP 63-403, MPP 63-405, PRWORA P.L. 110-246	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Are individuals/children classified as Deferred Action for Childhood Arrivals eligible for CalFresh benefits?

Could someone please provide me with the authority (regulation or otherwise).

The Proposed Decision which is due on April 4, 2016, is attached.

10. REQUESTOR'S PROPOSED ANSWER:

The Proposed Decision appears to be correct. However, there is no authority for the proposition that DACAs are not eligible for CalFresh benefits.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

In accordance with the Food and Nutrition Act of 2008 (Farm Bill) as amended through P.L. 110-246 (October 1, 2008), the California Food Assistance Program (CFAP) benefits cannot be issued to individuals ineligible for the federal Supplemental Nutrition Assistance Program (SNAP) known as CalFresh in California. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 included a provision that made any otherwise eligible legal noncitizens that have been in the United States less than five years ineligible to public benefits, including SNAP and CFAP. The Farm Bill allows states to create a state-only program to issue federal SNAP benefits to these individuals provided the state reimburses the federal government for all benefits issued and any federal funds spent on administrative functions to issue benefits. This precludes California from serving any individual that does not have a qualifying lawful resident immigration status. USCIS has stated that DACA does not change immigration status; it defers removal action for 2 years, subject to renewal on a case-by-case basis. Therefore, California cannot issue benefits to this population (please turn over to the next page)

### FOR CDSS USE

DATE RECEIVED:

03-29-2016

DATE RESPONDED TO COUNTY/ALJ:

03-29-2016sc

## CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)

1. RESPONSE NEEDED DUE TO:	5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation		
<input type="checkbox"/> QC		
<input checked="" type="checkbox"/> Fair Hearing		
<input type="checkbox"/> Other:		
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION:	
3. PHONE NO.:	7. SUBJECT:	
4. REGULATION CITE(S):	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

via CFAP or SNAP to any individuals that would not otherwise be eligible for benefits.

According to FNS, Q6 on the USCIS site at:

[http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?](http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=3a4dbc4b04499310VgnVCM100000082ca60aRCRD&vgnnextchannel=3a4dbc4b04499310VgnVCM100000082ca60aRCRD)

[vgnextoid=3a4dbc4b04499310VgnVCM100000082ca60aRCRD&vgnnextchannel=3a4dbc4b04499310VgnVCM100000082ca60aRCRD](http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=3a4dbc4b04499310VgnVCM100000082ca60aRCRD&vgnnextchannel=3a4dbc4b04499310VgnVCM100000082ca60aRCRD) makes clear that these individuals do not have "lawful status" (in fact, there is some explanation as to the difference between "unlawful presence" and "unlawful status").

SNAP policy provides that only certain legal, qualified aliens may be eligible for SNAP, and FNS continues to use the non-citizen guidance at [http://www.fns.usda.gov/snap/government/pdf/Non-Citizen\\_Guidance\\_063011.pdf](http://www.fns.usda.gov/snap/government/pdf/Non-Citizen_Guidance_063011.pdf) to define eligibility for SNAP and CFAP.